

*3*UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

XW DEPUTY

UNITED STATES OF AMERICA, ) Magistrate Docket No.  
 Plaintiff, ) '08 MJ 2655  
 v. ) COMPLAINT FOR VIOLATION OF: 8 U.S.C. § 1326  
 Martin BERNAL-Ramirez, ) Title 8, U.S.C., Section 1326  
 ) Deported Alien Found in the  
 ) United States  
 Defendant )  
 \_\_\_\_\_)

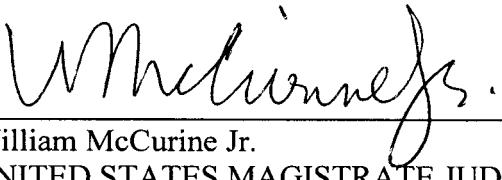
The undersigned complainant, being duly sworn, states:

On or about **August 26, 2008** within the Southern District of California, defendant, **Martin BERNAL-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF AUGUST, 2008.

  
 William McCurine Jr.  
 UNITED STATES MAGISTRATE JUDGE

*WMC  
8/26/08  
XW*

**CONTINUATION OF COMPLAINT:**  
**Martine BERNARL-Ramirez**

**PROBABLE CAUSE STATEMENT**

On August 26, 2008, Senior Patrol Agent J. G. Zuniga was performing assigned duties when he observed several foot prints across the International Border Road in an area known as "Zuellner's Gully." This area is approximately nine miles east of the Tecate, California Port of Entry.

Agent Zuniga followed the foot prints for approximately fifty minutes when he encountered nine individuals trying to hide in the brush. Agent Zuniga identified himself as a United States Border Patrol Agent and questioned each of the individuals as to their citizenship. All nine individuals, including one later identified as the defendant **Martin BERNAL-Ramirez**, admitted to being citizens and nationals of Mexico present in the United States without any immigration documents allowing them to enter or remain in the United States legally. At approximately 10:00 p.m. Agent Zuniga placed all nine individuals under arrest and transported them to the Forrest Gate Processing Center in Campo, California for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **August 23, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Jim St  
W McElwain  
7/28/07